



#13

PATENT APPLICATION  
DOCKET NO. T8275**DECLARATION, POWER OF ATTORNEY AND PETITION**

We **Ai-Zhi Piao**, a citizen of China, residing at 330 East 700 South, Apartment L206, Salt Lake City, Utah 84111, and **Chung Shih**, a citizen of the United States, residing at 2798 East Amberwick Lane, Sandy, Utah 84093, (hereinafter referred to as "inventors") declare that we verily believe we are the original, first, and sole inventors of the subject matter of the invention or discovery entitled **"MIXTURES OF VARIOUS TRIBLOCK POLYESTER POLYETHYLENE GLYCOL COPOLYMERS HAVING IMPROVED GEL PROPERTIES"**, for which a patent is sought and which is described and claimed in the specification filed April 27, 2000, under Thorpe, North & Western Attorney Docket No. T8275; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to the examination of the application in accordance with §1.56(a) of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys and/or patent agents, VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; MICHAEL W. STARKWEATHER, Registration No. 34,441; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY OAKESON, Registration No. 44,266, and DAVID W. OSBORNE, Registration No. 44,989, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communications should be directed to:

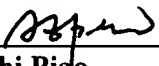
M. Wayne Western  
Customer No. 20452

THORPE, NORTH & WESTERN, L.L.P.  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633  
Facsimile: (801) 566-0750

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at SLC, UT, this 5 day of May, 2000.  
(city) (state)

INVENTOR:

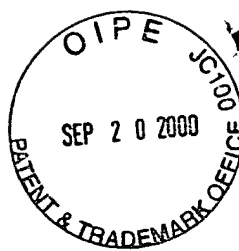
  
Ai-Zhi Piao

Signed at Salt Lake City, UT, this 5 day of May, 2000.  
(city) (state)

INVENTOR:

  
Chung Shih

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**DECLARATION CLAIMING SMALL ENTITY STATUS  
FOR A SMALL BUSINESS CONCERN**

I, James E. Herrin, hereby declare: that I am Executive Director, Corporate Development, of MACROMED, INC., a corporation of the State of Utah and having a principal place of business at 9520 South State Street, Sandy, Utah 84070; I am empowered to act on behalf of said corporation; and that said corporation qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18 and 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons. I understand that, for purposes of this declaration, (1) the number of employees is the average over the previous fiscal year of the number of persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and that (2) two business concerns are considered to be affiliates of each other when one business concern either directly or indirectly controls or has the power to control the other, or when a third party or parties control or have the power to control both business concerns.

I further declare that all rights, title, and interest relating to the invention entitled "MIXTURES OF VARIOUS TRIBLOCK POLYESTER POLYETHYLENE GLYCOL COPOLYMERS HAVING IMPROVED GEL PROPERTIES" invented by Ai-Zhi Piao, et al., as described in the patent application filed on April 27, 2000, and assigned Thorpe, North & Western Attorney Docket No. T8275, have been conveyed to and currently remain with said

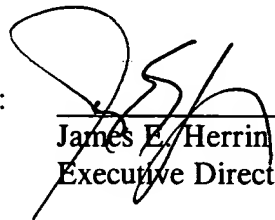
corporation.

I acknowledge the duty to file, in the above-mentioned application or any patent issued in respect thereof, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of (1) the issue fee or (2) any maintenance fee due after the date on which status as a small entity is no longer appropriate. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed at Salt Lake City, Utah, this 5<sup>th</sup> day of May, 2000.

MACROMED, INC.

By:

  
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James E. Herrin  
Executive Director, Corporate Development